

[Submitting Counsel on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: JUUL LABS, INC., MARKETING,
SALES PRACTICES, AND PRODUCTS
LIABILITY LITIGATION

No. 19-cv-2913-WHO

This Document Relates to:

GOVERNMENT ENTITY CASES

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXTEND DEADLINES
REGARDING GOVERNMENT ENTITY
BELLWETHER SELECTION**

No. 19-md-2913-WHO

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXTEND DEADLINES RE
GOVERNMENT ENTITY
BELLWETHER SELECTION**

1 The parties jointly stipulate and agree, subject to the Court's approval, to a modest
2 extension of certain of Plaintiffs' deadlines regarding bellwether selection for the government
3 entity cases.

4 WHEREAS, on September 9, 2020, the Court entered the Order Regarding Bellwether
5 Selection and Case/Trial Schedule (ECF 938);

6 WHEREAS, on October 21, 2020, the Parties submitted a Proposed Government Entity
7 and School District Fact Sheet Implementation Order (ECF 1072) proposing deadlines for the
8 submission of Plaintiff Fact Sheets (PFS) by government entity plaintiffs;

9 WHEREAS, the close of the government entity bellwether trial pool (complaints must be
10 on file and PFS must be completed for all potential government entity bellwether trial
11 candidates) was initially set for November 16, 2020;

12 WHEREAS, the parties have been meeting and conferring regarding the procedures for
13 selecting bellwether nominees, and have reached agreement on certain parameters and are
14 continuing the meet and confer process, with the goal of either reaching an agreed upon
15 procedure or narrowing the areas of dispute for resolution by the Court;

16 WHEREAS, the deadline to submit agreed or competing government entity bellwether
17 nominees is December 15, 2020;

18 WHEREAS, the parties have conferred regarding a modest extension for these deadlines;
19 and

20 WHEREAS, Defendants do not oppose Plaintiffs' request to extend the deadlines from
21 November 16, 2020 to December 21, 2020 and from December 15, 2020 to January 20, 2021,
22 respectively,

23 **NOW THEREFORE**, the parties, through their undersigned counsel, hereby stipulate
24 and agree and respectfully request that the Court enter an Order adopting the following revised
25 bellwether selection for Government Entities only:

The deadline for the close of the government entity bellwether trial pool is December 21, 2020, that is, only complaints on file in this judicial district and entered on the MDL 2913 docket or transferred by the JPML to MDL 2913 on or before December 21, 2020 shall be eligible for inclusion in the pool. The government entity bellwether trial pool will be comprised of a total of 12 county and school district cases from the eligible complaints. Half of this pool shall be selected by Defendants and half of the pool shall be selected by Plaintiffs. The discovery, trial preparation, and trial deadlines and dates for the cases in this pool shall be sequenced in a manner to be agreed to by the Parties and approved by the Court, or as ordered by the Court, with the pool divided into at least two subgroups for which the dates and deadlines for discovery, trial preparation, and trial shall be separated by at least nine months. The dates for the first group will be consistent with the current case schedule.


While the government entity plaintiff in each such bellwether case shall use its best efforts to have its PFS served and filed on or before December 21, 2020, the absence of a completed fact sheet will not preclude an otherwise eligible government entity plaintiff from being put forward by a party for inclusion in the bellwether pool.

The deadline to submit agreed or competing government entity bellwether nominees is January 20, 2021.

PURSUANT TO STIPULATION AND GOOD CAUSE SHOWING, IT IS SO ORDERED:

The deadline for the government entity cases only for the close of the government entity bellwether trial pool is December 21, 2020, as set forth above, and the deadline to submit agreed or competing government entity bellwether nominees is January 20, 2021.

Dated: November 20, 2020


HONORABLE WILLIAM H. ORRICK
United States District Judge

RESPECTFULLY SUBMITTED this 20th day of November, 2020.

By: /s/ Gregory P. Stone

Renee D. Smith

Mike Brock

KIRKLAND & ELLIS LLP

300 N. LaSalle

Chicago, IL 60654

Telephone: (312) 862-2310

By: /s/ Dean Kawamoto

Dean Kawamoto

KELLER ROHRBACK L.L.P.

1201 Third Ave., Ste. 3200

Seattle, WA 98101

Telephone: (206) 623-1900

Gregory P. Stone

Bethany W. Kristovich

MUNGER, TOLLES & OLSON LLP

350 South Gran Ave., 50th Floor

Los Angeles, CA 90071

Telephone: (213) 683-9100

By: /s/ Sarah R. London

Sarah R. London

LIEFF CABRASER HEIMANN &

BERNSTEIN

275 Battery Street, Fl. 29

San Francisco, CA 94111

Telephone: (415) 956-1000

Attorneys for Defendant JUUL Labs, Inc.

By: /s/ John C. Massaro

John C. Massaro

Jason A. Ross

ARNOLD & PORTER KAYE SCHOLER

LLP

601 Massachusetts Ave., N.W.

Washington, D.C. 20001

Telephone: (202) 942-5000

By: /s/ Dena C. Sharp

Dena C. Sharp

GIRARD SHARP LLP

601 California St., Suite 1400

San Francisco, CA 94108

Telephone: (415) 981-4800

***Attorneys for Defendants Altria Group, Inc.
and Philip Morris USA Inc.***

By: /s/ James Thompson

James Thompson

James N. Kramer

Walt Brown

ORRICK HERRINGTON & SUTCLIFFE

LLP

The Orrick Building

405 Howard Street

San Francisco CA 94105

Telephone: 415.773.5923

By: /s/ Ellen Relkin

Ellen Relkin

WEITZ & LUXENBERG

700 Broadway

New York, NY 10003

Telephone: (212) 558-5500

Co-Lead Counsel for Plaintiffs

Attorneys for Defendant James Monsees

By: /s/ Eugene Illovsky

Eugene Illovsky

Martha Boersch

Matthew Dirkes

BOERSCH & ILLOVSKY LLP

1611 Telegraph Ave., Suite 806

Oakland, CA 94612

Telephone: (415) 500-6643

Attorneys for Defendant Adam Bowen

By: /s/ Michael J. Guzman

Michael J. Guzman

KELLOGG, HANSEN, TODD, FIGEL &

FREDERICK, P.L.L.C.

Sumner Square, 1615 M St., N.W., Suite 400

Washington, DC 20036

Telephone: (202) 326-7910

Karl Belgum

NIXON PEABODY LLP

One Embarcadero Center, 32nd Floor

San Francisco, CA 94111

Telephone: (415) 984-8409

***Attorneys for Defendants Nicholas Pritzker,
Riaz Valani, and Hoyoung Huh***

ATTORNEY ATTESTATION

I, Dean N. Kawamoto, hereby attest that concurrence in the filing of this document has been obtained from the above signatories.

/s/ Dean N. Kawamoto

Dean N. Kawamoto

CERTIFICATE OF SERVICE

I, Dean N. Kawamoto, hereby certify that on November 20, 2020, I electronically filed
STIPULATION AND [PROPOSED] ORDER TO EXTEND DEADLINES RE
GOVERNMENT ENTITY BELLWETHER SELECTION with the Clerk of the United
States District Court for the Northern District of California using the CM/ECF system, which
shall send electronic notification to all counsel of record.

/s/ Dean N. Kawamoto

Dean N. Kawamoto